

REMARKS

The Office Action dated November 17, 2004 rejected claims 29 and 31 under 35 U.S.C., 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants traverse these rejections. Applicants have amended claims 29 and 31 and believe that withdrawal of these rejections are appropriate.

Claims 21 – 33 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hetrick et al. (6,199,698) or Niwa (5,613,779) in view of Holmberg (6,293,403) and Batchelor (4,889,238). Applicants traverse each of these rejections. Applicants have amended claims 21 and 22 to further define certain embodiments of the present invention wherein the personal care product is a film dosage form and wherein the packets are stacked in a non-staggered arrangement. Applicants submit that no new matter has been added and sufficient disclosure can be found on page 13, paragraph 55 and Figures 1, 4, 5, respectively.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 33 above, and further in view of Velch (5,630,546). Applicants traverse this rejection.

Applicants submit that not every element of the Applicants' claimed invention is disclosed by the cited references. Applicants submit that none of the cited references

Appln No. 10/772,899
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Docket No. PC 20008A

teach a packaged supply of individual doses of a personal care product that is a film dosage form. Accordingly, Applicants submit withdrawal of the obviousness rejections are appropriate.

Applicants further note that Holmberg does not disclose a tray and a plurality of substantially identical packets stacked on each other in a non-staggered arrangement as shown in Figure 6. Rather, the packets disclosed in Holmberg overlap with each other and are staggered relative to each other in the stack. They are not uniformly stacked in a non-staggered arrangement relative to each other. Applicants submit that all of the obviousness rejections based on Holmberg must fail. Accordingly, Applicants submit that withdrawal of all of the obviousness rejections is appropriate.

Claims 21 – 34 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of Ginsberg 6,708,826. Applicants traverse this rejection and would submit a terminal disclaimer upon an indication of a notice of allowance.

Accordingly, Applicants respectfully submit that withdrawal of the rejections based on the cited references is appropriate and that the Application is in condition for allowance.

In view of the present Amendment and Response, Applicants respectfully request favorable reconsideration.

Appln No. 10/772,899
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Should the Examiner have any questions or comments concerning the above,
the Examiner is respectfully invited to contact the undersigned attorney at the number
listed below.

Date

Respectfully submitted,

2/17/05

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